

In the Court of Appeals of the State of Alaska

Delbert Vincent Bitonti,

Appellant,

v.

State of Alaska,

Appellee.

)
) Court of Appeals No. **A-13430**
)

Order
Remand

)
)
)
) Date of Order: **May 23, 2019**
)

Trial Court Case # **1PW-17-00170CR**

The Appellant, Delbert Bitonti, is currently represented by Leif A. Thompson, who was privately retained. Mr. Thompson has filed a motion asking this Court to appoint counsel to assist Mr. Bitonti in this appeal. Mr. Thompson asserts that Mr. Bitonti is indigent and can no longer afford the costs of privately retained counsel. Mr. Thompson also requests that this Court waive the filing fee.

IT IS ORDERED:

1. This case is remanded to the superior court for a hearing to determine if Mr. Bitonti is eligible for the assistance of counsel at public expense.

2. If the superior court finds that Mr. Bitonti is eligible for the assistance of counsel at public expense, the superior court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.

3. If the superior court concludes that Mr. Bitonti is not eligible for the appointment of counsel at public expense, the superior court shall notify this Court of this finding.

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4. The superior court's report on these matters shall be provided to this Court on or before **June 20, 2019**.

5. The motion to waive the filing fee will be lodged until this Court receives the superior court's report.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Judge Pate
Trial Court Appeals Clerk

Distribution:

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